

**Amendments to the Drawings:**

The attached replacement drawing sheets make changes to Figs. 2, 4A-4D, 6 and 9 and replace the original sheets with Figs. 2, 4A-4D, 6 and 9.

Attachment: Replacement Sheets

**REMARKS**

Claims 1-4 and 7 are pending in this application. By this Amendment, claims 1 and 7 are amended, as is the specification. Figs. 2, 4A-4D, 6 and 9 are amended with the inclusion of the attached replacement drawing sheets. Claims 2-4 are provisionally withdrawn as drawn to non-elected species. Non-elected claims 8-19, drawn to non-elected species and a non-elected invention, in addition to claims 5 and 6, are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Cooley in the December 2, 2005 personal interview and in the December 29, 2005 telephone interview. Applicant's separate record of a summary of the substance of the interviews is contained in the following remarks. Specifically, Applicant amends claim 1 in view of the discussion presented during the interviews.

**I. Allowable Subject Matter**

The Office Action, in paragraph 24, indicates that claims 6 and 7 recite allowable subject matter. Specifically, the Office Action states that these claims would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicant appreciates this indication of allowability. Amendments to claim 1, incorporating the subject matter of claim 5 and the indicated allowable subject matter of claim 6, are undertaken in view of this indication of allowability.

**II. Confirmation of Telephone Election**

On September 27, 2005, Applicant's representative communicated the provisional election of Group 1, claims 1-16, drawn to an apparatus, and Species E, depicted in Fig. 9, to the Examiner in response to a telephone Restriction and Election of Species Requirement. Claim 5 was asserted to be readable on the elected species, and claim 1 was asserted to be

generic to all species. As such, the Office Action indicates that claims 2-4 and 8-19 are currently withdrawn from consideration. Applicant respectfully requests, however, that, upon finding generic claim 1 allowable, claims 2-4, which depend directly or indirectly from generic claim 1, be rejoined and allowed.

Applicant's representative discussed the rejoicing of claims 2-4 with Examiner Cooley during the December 2 personal interview. The Examiner indicated that these claims appeared to be in a condition to be rejoined and allowed if claim 1 is allowed.

In light of the discussion during the personal interview, Applicant cancels claims 8-16 as drawn to non-elected species, in addition to canceling claims 17-19 drawn to a non-elected invention.

### **III. The Drawings Meet the Requirements of 37 C.F.R. §1.83**

A. The Office Action, in paragraph 10, objects to the drawings as not showing every feature specified in the claims. Specifically, the subject matter of claim 7 is asserted not to be shown in Fig. 9. Fig. 9 is amended to include an exemplary embodiment of the subject matter recited in claim 7. Support for the amendment of Fig. 9 is provided at least in the paragraph beginning on page 24, line 22.

B. The Office Action, in paragraph 11, objects to the drawings for informalities. Figs. 4A-4D, 6 and 9, and the specification are amended to correct the informalities, thereby obviating the objections to the drawings for the enumerated informalities.

C. The Office Action, in paragraph 12, reminds the Applicant to verify that all reference characters in the drawings are described in the description and that all reference characters mentioned in the description are included in the drawings. Fig. 2 is amended to ensure that the requirements of 37 C.F.R. 1.84 are met.

Based on the foregoing, withdrawal of the objections to the drawings is respectfully requested.

Applicant's representative discussed the drawing amendments with Examiner Cooley during the December 2 personal interview. The Examiner indicated his belief that (1) the amendments to the drawings do not introduce new matter, and (2) the amendments would overcome the objections raised in the Office Action.

**IV. Formal Matters**

A. The Office Action, in paragraphs 13-16 objects to the specification, to include the title, for informalities. The title and numerous paragraphs in the specification are amended to overcome objections to the specification and the title. Withdrawal of the objections to the specification and the title is respectfully requested.

B. The Office Action, in paragraph 17, objects to claim 7 for an informality. Specifically, claim 7 is alleged to recite a feature that lacks sufficient antecedent basis. Claim 7 is amended to obviate the objection. Withdrawal of the objection to claim 7 is respectfully requested.

Applicant's representative discussed the above formal matters with Examiner Cooley during the December 2 personal interview. The Examiner indicated his belief that the amendments overcame the objections enumerated in the Office Action.

**V. The Claims Recite Allowable Subject Matter**

The Office Action, in paragraph 19, rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,667,407 to Fenske et al. (hereinafter "Fenske"); in paragraph 20, rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by JP 2001-239140 (hereinafter "JP '140"); and in paragraph 21, rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by JP 11-169697 (hereinafter "JP '697"). The amendment of claim 1, incorporating the indicated allowable subject matter of claim 6 renders these rejections moot.

Applicant's representative presented arguments regarding each of Fenske, JP '140 and JP '697, in like manner, not showing the features of a pre-agitation mixing chamber

comprising the at least two inlets attached thereto and a portion of the agitation blades being positioned in the pre-agitation mixing chamber to Examiner Cooling during the December 2 personal interview. The Examiner indicated that inclusion of the drain port features, of dependent claim 6, would place claim 1, and the claims depending therefrom, in condition for allowance. Applicant's representative presented additional arguments to Examiner Cooley in the December 29 telephone interview. The Examiner renewed his conclusion as detailed above.

The Office Action, in paragraph 23, rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over Fenske, JP '140 or JP '697 in view of U.S. Patent No. 4,099,267 to King. This rejection is respectfully traversed.

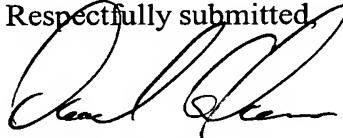
Because dependent claim 5 incorporates all the features of independent claim 1, claim 5 is also allowable over the applied prior art references for at least the dependence of this claim on independent claim 1, as well as for the separately patentable subject matter claim 5 recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1 and 5 under 35 U.S.C. §§102(b) and 103(a) are respectfully requested.

**VI. Conclusion**

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 and 7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned at the telephone number set forth below.

Respectfully submitted,  


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JAO:DAT/cfr

Attachments:

Replacement Drawing Sheets (Figs. 2, 4A-4D, 6 and 9)

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